

**TOWN OF BUCKEYE  
REGULAR COUNCIL MEETING  
NOVEMBER 16, 2004  
MINUTES**

**Town Council Chambers  
100 .Apache Road  
Buckeye, AZ 85326  
7:00 p.m.**

**1. Call to Order/Roll Call/Pledge of Allegiance.**

The meeting was called to order at 7:00 by Mayor Hull

Members Present: Councilman Meck, Councilman Beard, Vice Mayor Urwiller, Mayor Hull, Councilwoman May, and Councilman Doster.

Members Absent: Councilman Garza

Staff Present: Carroll Reynolds, Scott Ruby, Linda Garrison, Lucinda Aja, Ron Brown, Toni Brown, Jeanine Guy, Alicia Griffin, Dave Owens, Larry Harmer, Phil Garthright., Woody Scoutten , Dee Hathaway, and Bob Costello.

**2. Comments from the Public -None**

**Approval of items on the Consent Agenda –There will be no separate discussion of these items unless a Councilmember requests.**

**CONSENT AGENDA-**All items with an (\*) are considered to be routine matters and will be enacted by one motion and vote of the Town Council. Vice Mayor Urwiller requested that item 5A be removed for discussion. Councilman Meck requested that item 5B be removed for discussion. A motion made by Vice Mayor Urwiller and seconded by Councilman Beard to approve items 3, 4, 5C, 5D, 5E, and 5F.Motion passed unanimously.

**\*3.** Council approved the minutes of the November 2, 2004 Council workshop and regular meeting minutes as presented.

**\*4.** Council approved invoices due by the Town for payment. Copies of invoices are available at Town Hall.

**5. NEW BUSINESS**

**\*5C.** Council adopted Resolution 59-04 approving the Intergovernmental Agreement between the Town of Buckeye, City of Avondale, City of Surprise, and the City of Tolleson for the data sharing between their respective police departments through the use of the Spillman Technologies Alliance Module and read by title only.

**\*5D.** Council renewed the professional services contract to provide auditing services to the Town of Buckeye.

**\*5E.** Council approved the Special Event License Application requested by DMB Associates, Inc. – Verrado for Hometown Holidays to be held on December 3<sup>rd</sup> and 4<sup>th</sup> from 5:00 p.m. to 9:00 p.m.

**\*5F.** Council approved the Special Event License Application requested by St. Henry's Church

## **NON CONSENT AGENDA**

**\*5A.** After some discussion about the type of signal to be used a motion made by Vice Mayor Urwiller and seconded by Councilwoman May to approve an Intergovernmental Agreement between the Town of Buckeye and Maricopa County for the traffic signal design and installation at the intersection of MC 85 and Miller Road.

**\*5B.** After some discussion a motion made by Councilman Meck and seconded by Vice Mayor Urwiller to adopt Resolution 58-04 implementing measures to reduce reentrained dust emissions from targeted paved road in the revised PM-10 state implementation plan for the Salt River area and read by title only.

## **OLD BUSINESS**

### **5G. Ordinance 52-04 –Annexation COWLEY COMPANIES A04-11**

Request by Kevin Whitenack, Cowley Companies, for the annexation of approximately 157 acres located at the southeast corner of Broadway Road and Rooks Road. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Ordinance 52-04 increasing the corporate limits of the Town of Buckeye Arizona and read by title only. Motion passed unanimously.

### **5H. Ordinance 53-04 Rezoning COWLEY COMPANIES RZ04-239**

Request by Kevin Whitenack, Cowley Companies, for the rezoning of approximately 141 acres from R-43, Maricopa County, to Planned Residential and approximately 16 acres to Commercial Center. . Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Ordinance 53-04 generally located at the southeast corner of Broadway Road and Rooks Road in the northwest quarter of Section 30, Township 1 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County and read by title only. Motion passed unanimously.

## **NEW BUSINESS**

### **5I. Ordinance 54-04 Annexation B.I.F. BUCKEYE, L.L.C. and SUN VALLEY PARTNER, L.L.C. A04-15**

Request by B.I.F. Buckeye, L.L.C. and Sun Valley Partners, L.L.C. for the annexation of approximately 114 acres located northeast from the intersection alignment of the 323<sup>rd</sup> Avenue and McDowell Road also generally located in the southwest quarter of Section 35, Township 2 North, Range 5 West of the Gila and Salt River Base and Meridian, Maricopa County. Motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 54-04 increasing the corporate limits of the Town of Buckeye, Arizona and read by title only. Motion passed unanimously.

### **5J. Ordinance 55-04 Rezoning . B.I.F. BUCKEYE L.L.C. and SUN VALLEY PARTNERS L.L.C. RZ04-259A**

Request by B.I.F. Buckeye L.L.C. and Sun Valley Partners, L.L.C. Attorney Steve Earl stated that this would eventually be a CMP (Community Master Plan) although it would not be presented at this meeting. Motion made by Councilman Meck and seconded by Councilwoman May to adopt Ordinance 55-04 amending the Land Use District Map of the Town in an area located generally northeast of the intersection alignment of 323rd Avenue and McDowell Road from RR, Rural Residential, to PC, Planned Community rezoning 114 acres as generally located in the southwest quarter of Section 35, Township 2 North, Range 5 West of the Gila and Salt River Base and Meridian, Maricopa County and read by title only. Motion passed unanimously.

### **5K. Ordinance 56-04 Rezoning B.I.F. Buckeye L.L.C. and SUN VALLEY PARTNERS L.L.C. RZ04-259B**

Motion made by Councilman Meck and seconded by Vice Mayor Urwiller to adopt Ordinance 56-04 amending the Land Use District Map of the Town of Buckeye in an area generally located northeast of the intersection alignment of Thomas Road and Bruner Road from GC, General Commerce, to PC, Planned Community and read by title only. Request by B.I.F. Buckeye L.L.C. and Sun Valley Partners, L.L.C. for the rezoning of approximately 158 acres from GC, General Commerce, to PC, Planned Community in an area located in the southwest quarter of Section 8, Township 2 North, Range 4 West of the Gila and Salt River Base and Meridian, Maricopa County. Motion passed unanimously.

**5L. PUBLIC HEARING – THATCHER A04-23**

Mayor Hull opened the Public Hearing at 7:13 p.m. to hear citizen input on the request by Leroy Thatcher for the annexation of approximately 1 acre of land generally located west of Rainbow Road and north of Lower Buckeye Road (2433 South 227<sup>th</sup> Avenue) into the Town of Buckeye. Don Thatcher, son of property owner Leroy Thatcher, approached the Council because he feels like his parent's poor health is affecting their judgment and he does not feel like this is the right decision. Leroy Thatcher then addressed the Council stating he wants the Town of Buckeye to receive his tax revenue instead of the County because he was very pleased with the way the Town Police Department had treated him in the past. Mayor Hull stated that this was a unique situation to the Council and thought it was more of a legal matter and that this could not be resolved at a Public Hearing. There being no further comments from the public Mayor Hull closed the hearing at 7:31 p.m.

**5M. PUBLIC HEARING – COWLEY COMPANIES A04-24**

Mayor Hull opened the Public Hearing at 7:33 p.m. to hear citizen input on the request by Kevin Whitenack, Cowley Companies for the annexation of approximately 125 acres generally located south of I-10 and east of Wilson Road into the Town of Buckeye. There being no comments from the public Mayor Hull closed the hearing at 7:33 p.m.

**5N. Ordinance 57-04 Annexation -JAMES PARKER/GEORGE YEH A04-10**

Request by Jim Parker to adopt Ordinance 57-04 increasing the corporate limits of the Town of Buckeye of approximately 15 acres of land generally located at the south of Beloit Road and west of Apache Road. Mr. Parker stated that the land was in the process of being cleaned up after the County issued a violation from an accumulation of trash that had been dumped over a long period of time. Mr. Parker hopes to sell this land in the near future. A motion made by Councilman Meck and seconded by Councilwoman May to table Ordinance 57-04 until clean up is complete. Motion passed unanimously. It was requested that the Clerk include this Ordinance on the December 7, 2004 agenda.

**5O. Ordinance 58-04 Annexation- JAMES PARKER/GEORGE YEH RZ04-233**

A motion made by Councilwoman May and seconded by Vice Mayor Urwiller to table Ordinance 58-04 amending the Land Use District Map of the Town of Buckeye on 15 acres generally located south of Beloit Road and west of Apache Road from R-43, Maricopa County, to GC, General Commerce and read by title only. Motion passed unanimously.

**5P. Ordinance 59-04 Rezoning- ROSZTOCZY RZ04-351**

Request by Rob Rosztoczy of Stotz Farms to adopt Ordinance 59-04. Larry Harmer stated that this would be developed in a uniform manner. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to amend the Land Use District Map of the Town on 11 acres generally located at the northwest corner of Perryville Road and Lower Buckeye Road in the southwest quarter of Section 16, Tract 37, Township 1 North, Range 2 West, of the Gila and Salt River Base and Meridian, Maricopa County from R-43, Maricopa County, to CC, Commercial Center. Motion passed unanimously.

**5Q. Ordinance 60-04 Annexation- SUNWEST VALLEY DEVELOPERS A04-21**

Request by Sunwest Valley Developers to adopt Ordinance 60-04 annexing of 135 acres generally located at the northeast corner of Rooks Road and Broadway Road. Larry Harmer stated that this had been approved by the Development Board. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Ordinance 60-04 increasing the corporate limits of the Town of Buckeye and read by title only. Motion passed unanimously.

**5R. Ordinance 61-04 Annexation- COPPER FALLS A04-14**

Request by Jason Weber of KB Homes on behalf of Grace Youngker, B. Bar G. Farms L.L.L.P. and Marven Investments to adopt Ordinance 61-04. Motion Made by Councilman Meck and seconded by Vice Mayor Urwiller to adopt Ordinance 61-04 increasing the corporate limits of the Town of Buckeye and for the annexation of approximately 272 acres generally located at the southwest corner of Broadway Road and Miller Road read by title only. Motion passed unanimously.

**5S. Ordinance 62-04 Rezoning- COPPER FALLS RZ04-254**

Request by Jason Weber of KB Homes on behalf of Grace Youngker, B. Bar G. Farms L.L.L.P., and Marven Investments to adopt Ordinance 62-04. Motion made by Vice Mayor Urwiller and seconded by Councilwoman May to adopt Ordinance 62-04 amending the Land Use District Map of the Town of Buckeye of 272 acres in an area generally southwest from the intersection of Broadway and Miller Road from the RR, Rural Residential to the PC, Planned Community and read by title only. Motion passed unanimously.

**5T. Ordinance 63-04 Annexation- SHEA HOMES & YOUNGKERS FARMS A04-19**

Request by Steve Kellogg of Coe & Van Loo, representing Shea Homes & Youngkers Farms Council to adopt Ordinance 63-04. Motion made by Vice Mayor Urwiller and seconded by Councilman Beard to adopt Ordinance 63-04 increasing the corporate limits of the Town of Buckeye for the annexation of approximately 850 acres generally located south of Lower Buckeye Road, east of Watson, mostly west of Miller Road and read by title only. Motion passed unanimously.

**5U. Ordinance 64-04 Annexation- TRIMARK, ROOKS & SOUTHERN L.L.C. A04-20**

Request by Trimark, Rooks & Southern L.L.C. to adopt Ordinance 64-04. Motion made by Vice Mayor Urwiller and seconded by Councilman Meck to adopt Ordinance 64-04 increasing the corporate limits of the Town of Buckeye for the annexation of approximately 120 acres generally located northeast from the intersection of Rooks Road and Southern Road and read by title only. Motion passed unanimously.

**5V. Ordinance 65-04 Rezoning- ELIANTO RZ04-256**

Council expressed concern over the width of the streets and the desity of the project. Representatives from Lannar expressed a desire to work with Council. After much discussion Councilman Meck made a motion to adopt Ordinance 65-04 amending the Land Use District Map of the Town of Buckeye of 160 acres in an area generally located northwest from the Wilson Road and Thomas Road intersection right-of-way alignments from GC, General Commerce to PC, Planned Community with the stipulation of a 32 foot road and read by title only and seconded by Councilwoman May. Councilman Doster and Councilman Beard Voted No. Motion carried.

**5W. Ordinance 66-04 -ELIANTO CMPA04-120**

Request by Manjula Vaz of Gammage & Burnham on behalf of Lennar Communities Development Inc. to adopt Ordinance 66-04. Motion made by Councilman Meck with a stipulation of a 32 foot road and seconded by Councilman Doster to adopt Ordinance 66-04 approving a Major Amendment to the Tartesso North Master Plan and approval of the Development Agreement and authorizing the Mayor to sign such documents. Councilwoman May and Councilman Beard voted no. Motion carried.

**5X. Public Hearing – Increase in Existing Development Fees**

Mayor Hull opened the Public Hearing at 8:30 p.m. to hear citizen input on the request by Kevin Whitenack, Cowley Companies for the annexation of approximately 125 acres generally located south of I-10 and east of Wilson Road into the Town of Buckeye. Tishler & Assoc. reviewed our fees, Homebuilders Association reviewed and were present for the hearing. December 1, 2004 is special meeting to adopt impact fees. Rachel Aja of the Homebuilders Association of Arizona asked council to work with them on issues such as sewer fees, sewer capacity, transportation fees, impact fees to construct 2 interstate interchanges, and other issues and would like to revisit the study to come to agreement. Town Manager Carroll Reynolds would be willing to discuss these issues with them in a workshop setting. Workshops are appropriate for Homebuilders Association. Consultant. Steve Earl of Tartesso West supports a workshop like this and thanked the Town and Council for the opportunity. Mayor Hull closed the hearing at 8:41 p.m.

**6. Town Manager's Report**

- **Impact fees will be available at a later date.**
- **Public Director Position offered will be accepted or declined this week.**
- **There will be a crosswalk installed at MC 85 for high school students to use**
- **Cox Communications will demolish the old Cox building on Monroe in December, will keep the Council updated on progress.**

**7. Comments from the Mayor and Council**

**Councilman Meck-** Retreat was very productive. Skate Park is almost progressing nicely. Jeanine Guy stated that Skateway Components were shown to area youth and a new line of equipment would be donated after the park and equipment were used for their catalog. Best Wishes to Larry Harmer and Woody Scoutten.

**Councilman Beard-**None

**Vice Mayor Urwiller-**the conference held at the Department of Commerce was very educational.

**Councilwoman May-**Good luck and best wishes to Larry Harmer.

**Councilman Doster-**no quorum at the CDAC meeting, this is a good opportunity available to us.

**Councilman Garza-**Absent

**Mayor Hull-** Proposition 200 -Attorney General put at a stand still.

**Attorney Scott Ruby-**it would require an amendment to the Council meeting ordinance to cancel the Regular Council Meeting for December 21<sup>st</sup>. There will be a Regular Council Meeting with no agenda.

**8. Adjournment.**

There being no further business to come before the Council moved by Councilman Meck and seconded by Councilwoman May to adjourn at 8:43 p.m. Motion passed unanimously.

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**Dustin Hull, Mayor**

**ATTEST:**

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**Linda Garrison, Town Clerk**

I hereby certify that the foregoing is a true and correct copy of the Regular Meeting held on the 16<sup>th</sup> day of November, 2004. I further certify that the meeting was duly called and that a quorum was present.

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**Linda Garrison, Town Clerk**